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In re Application of  
MIYAJI et al.  
Application No.: 09/763,793  
PCT No.: PCT/JP99/04602  
Int. Filing Date: 26 August 1999  
Priority Date: 27 August 1998  
Attorney's Docket No.: 766.46  
For: NOVEL POLYPEPTIDE

## DECISION ON PETITION

This is in response to applicant's 04 May 2004 "Request for Clarification of Decision on Petition", mailed on 05 March 2004.

On 07 April 2003, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicant, indicating that applicant had failed to provide an executed declaration.

On 04 May 2004, applicant requested clarification indicating that an executed declaration was submitted with the original filing. After a review of the USPTO records, the declaration was located in another application file. The declaration executed to PCT/JP99/04602, in compliance with 37 CFR 1.497(a) & (b), was filed 27 February 2001 and is now located in the above identified application file. The declaration is acceptable and meets the requirements of 37 CFR 1.497(a) & (b).

The application will be forwarded to the US Designated/Elected Office for further processing. The Notification of Missing Requirements mailed on 07 April 2004 is hereby **VACATED**. The 35 U.S.C. 371(c)(1),(c)(2) and (c)(4) date is **27 February 2001**.

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